

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KAREN TAYLOR,

Plaintiff,

v.

FAMILY DOLLAR, INC.

Defendant.

Civil Action
File No.:

PETITION FOR REMOVAL

TO: The Honorable Judges of the United States District Court for the Northern
District of Georgia, Atlanta Division

COMES NOW, Family Dollar Stores, Inc. by and through its undersigned
counsel, and files its Petition for Removal and respectfully show this Court the
following:

1. A civil action has been filed and is now pending in the State Court of
Fulton County, State of Georgia designated as Civil Action File No. 21EV007316.
2. The Summons and Complaint in that action were filed in the State Court
of Fulton County on December 7, 2021. Family Dollar, Inc. was served on December
9, 2021, and thus, timely files this petition for removal.

3. Defendant files herewith a copy of all process, pleadings, and orders including the Summons and Complaint in this action, pursuant to 28 USC § 1446. (Attached hereto as Exhibit “A”).

4. Defendant is now, was at the commencement of this suit, and at all times since been a foreign corporation organized and existing under the laws of the Virginia.

5. Plaintiff is a citizen of Georgia. Therefore, the action described above is a civil action with a claim of which this Court has original jurisdiction, and it is one that may be removed to this Court by Defendant pursuant to the provisions of 28 U. S. C. §§ 1332, 1367, and 1441 et seq., in that there is complete diversity among the parties and the Defendant is not a resident of the State of Georgia, the Parties are not residents of the same state, and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

6. Plaintiff alleges she was walking to retrieve a shopping cart when she tripped and fell in a pothole. She alleged fractured her ankle and injured her knee during the incident. Following this incident, she had to be transported to the hospital via ambulance due to her injuries.

In her Complaint, Plaintiff alleges she suffered serious injuries requiring surgery and continues to endure physical pain and suffering as a result. Based on her complaint,

she claims medical expenses for the treatment of those injuries, including surgery. In addition, plaintiff seeks compensation for her continued physical pain and suffering.

Due to Plaintiff's loss, she seeks to recover damages for the care and treatment of her injuries including past, present, and future medical expenses; past, present, and future mental and physical pain and suffering; lost wages; past and future economic losses; and other relief as deemed by the Court.

In Harris v. Bloomin' Brands, Inc., 1:18-cv-05078-ELR (N.D. Ga. 2019), Judge Ross found that the amount in controversy exceeded the \$75,000 jurisdictional minimum even though the plaintiff only alleged \$10,985.75 in incurred medical expenses. There the plaintiff alleged she sustained serious injuries to her spine, back, neck, and left knee, and that she will require future medical treatments including injections and that she suffers a reduced earning capacity and permanent impairment.

Another recent case is the case of Johnson v. Blackburn, 2:16-CV-989-KOB, 2016 WL 5816114, at *2 (N.D. Ala. Oct. 5, 2016). There the plaintiff alleged he suffered severe injuries to his head, neck, and back. Based on the plaintiff's allegations, the District Court in Johnson found that using judicial experience and common sense, it could infer that the complaint meets federal jurisdictional requirements. *Id.*

Here, similar to the Plaintiff in Harris, Ms. Taylor alleges that she severely injured her ankle and knee and she needed a surgery for her injuries. Ms. Taylor has

already incurred medical bills similar to the plaintiff in Harris and anticipates more treatments. These allegations are similar to the allegations in both Harris and Johnson. Accordingly, based on these similarities to these recent cases, it is clear that the jurisdictional minimum is met here.

8. Defendant is not a citizen of the State in which the State Court action is brought.

9. The aforementioned Georgia State Court action is a civil action of which this Court has original jurisdiction under the provisions of Title 28 of the United States Code §1332(a) and accordingly, is one which may be removed to this Court by Defendant pursuant to the provisions of Title 28 of the United States Code §1441, in that it is a civil action in which the matter in controversy exceeds the sum of \$75,000.00 exclusive of interests and costs and is between citizens of different states.

10. Defendant attaches a copy of Defendant's Notice of Removal that will be filed in the State Court of Fulton County, Georgia marked as Exhibit "B."

11. This action is currently pending in the State Court of Fulton County, Georgia, which is within the jurisdiction of the Northern District of Georgia, Atlanta Division. 28 U.S.C.A. § 1446(a).

12. Defendant attaches hereto as Exhibit "C" a copy of the Answer that was filed in State Court.

WHEREFORE the Defendant prays the above action now pending before the State Court of Fulton County, Georgia be removed to this Court's jurisdiction.

This 7th day of January, 2022.

Goodman McGuffey LLP
Attorneys for Family Dollar Stores, Inc.

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CERTIFICATE OF SERVICE

This is to certify that I electronically filed this **Petition for Removal** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

Bryce V. Durham, Esq.
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This 7th day of January, 2022.

/s/James T. Hankins, III

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